

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Jovon Johnson, #497927,

Plaintiff,

v.

Chuck Wright;
Sgt. Baton,

Defendants.

C/A No. 4:24-cv-2462-SAL

ORDER

Jovon Johnson (“Plaintiff”), a pro se litigant proceeding *in forma pauperis*, filed this action against Defendants Chuck Wright and Sergeant Baton (“Defendants”). On May 1, 2024, Plaintiff was ordered to file an Amended Complaint to bring his case into proper form. [ECF No. 7.] Plaintiff did so, but with deficiencies, ECF No. 10. He then requested leave to amend his complaint, which this court granted. [ECF Nos. 18, 21.] On August 2, 2024, the court received Plaintiff’s Second Amended Complaint, which contained different deficiencies. [ECF No. 28.] He was again directed to bring his case into proper form. [ECF No. 33.] Then, on August 29, 2024, Plaintiff filed a Third Amended Complaint, which also contains deficiencies. *See* ECF Nos. 37, 41. United States Magistrate Judge Thomas E. Rogers, III, issued a Report and Recommendation (“Report”) on September 12, 2024, pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) recommending that this action be summarily dismissed with prejudice and without issuance and service of process in accordance with 28 U.S.C. § 1915(e) and § 1915A, as this is Plaintiff’s Third Amended Complaint in this action. [ECF No. 41.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the

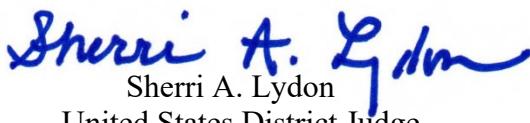
Report and the serious consequences if he failed to do so. *Id.* at 7. Plaintiff has not filed objections, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, ECF No. 41, and incorporates it by reference herein. As a result, this matter is **SUMMARILY DISMISSED with prejudice** under 28 U.S.C. § 1915(e), and 28 U.S.C. § 1915A and **without issuance and service of process**.

IT IS SO ORDERED.

November 7, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge